

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* MICHAEL JOHN NIEMEYER, KENT ALLAN FRANKLIN,  
ROBIN KURT NASON, SUSAN ELAINE SHAWVER, PAUL WINDSOR ESTEY  
and LARRY N. BARNETT

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Application No. 10/025,214

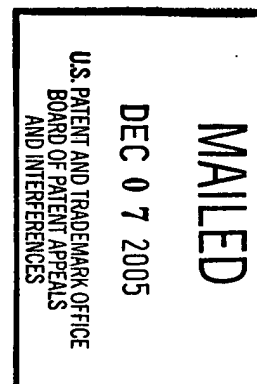
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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on November 4, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below:

On October 20, 2005, appellants timely filed a Reply Brief. There is no indication on the record that this paper was properly acknowledged by the examiner.



Application No. 10/025,214

37 CFR § 41.43(a)(1) states:

After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief.

Accordingly, it is

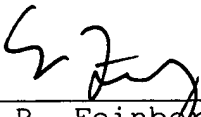
*ORDERED* that the application is returned to the examiner to:

(1) provide appropriate notification to appellants of said consideration of the Reply Brief; and

(2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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CRF:hh